

Adopted	Rejected
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## COMMITTEE REPORT

YES:	12
NO:	0

### MR. SPEAKER:

*Your Committee on* Judiciary, to which was referred Senate Bill 194, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 12-7-2-28, AS AMENDED BY P.L.34-2001,
- 4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2004]: Sec. 28. "Child" means the following:
- 6       (1) For purposes of IC 12-13-15, the meaning set forth in
- 7       IC 12-13-15-1.
- 8       (2) **For purposes of IC 12-13-15.1, the meaning set forth in**
- 9       **IC 12-13-15.1-1.**
- 10       (3) For purposes of IC 12-17.2 and IC 12-17.4, an individual who
- 11       is less than eighteen (18) years of age.
- 12       ~~(3)~~ (4) For purposes of IC 12-26, the meaning set forth in
- 13       IC 31-9-2-13(d).
- 14       SECTION 2. IC 12-7-2-76.7, AS ADDED BY P.L.34-2001,
- 15       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2004]: Sec. 76.7. **(a)** "Emergency medical services", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-2.

**(b) "Emergency medical services", for purposes of IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-2.**

SECTION 3. IC 12-7-2-124.5, AS ADDED BY P.L.34-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 124.5. **(a)** "Local child fatality review team", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-3.

**(b) "Local child fatality review team", for purposes of IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-3.**

SECTION 4. IC 12-7-2-129.5, AS ADDED BY P.L.34-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 129.5. **(a)** "Mental health provider", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-4.

**(b) "Mental health provider", for purposes of IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-4.**

SECTION 5. IC 12-7-2-186.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 186.5. **"Statewide child fatality review committee", for purposes of IC 12-13-15.1, has the meaning set forth in IC 12-13-15.1-5.**

SECTION 6. IC 12-13-15-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6.5. **A local child fatality review team may request that the statewide child fatality review committee make a fatality review of a child from the area served by the local child fatality review team if a majority of the members of a local child fatality review team vote to make the request.**

SECTION 7. IC 12-13-15.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

**Chapter 15.1. Statewide Child Fatality Review Committee**

**Sec. 1. As used in this chapter, "child" means an individual less than eighteen (18) years of age.**

**Sec. 2. As used in this chapter, "emergency medical services" means emergency ambulance services or other services, including**

extrication and rescue services, provided to an individual in need of immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under IC 12-13-15.

Sec. 4. As used in this chapter, "mental health provider" means any of the following:

(1) A registered nurse or licensed practical nurse licensed under IC 25-23.

(2) A clinical social worker licensed under IC 25-23.6-5.

(3) A marriage and family therapist licensed under IC 25-23.6-8.

(4) A psychologist licensed under IC 25-33.

(5) A school psychologist licensed by the Indiana state board of education.

Sec. 5. As used in this chapter, "statewide child fatality review committee" refers to the statewide child fatality review committee established by section 6 of this chapter.

Sec. 6. (a) The statewide child fatality review committee is established for the purpose of reviewing a child's death that is:

(1) sudden;

(2) unexpected; or

(3) unexplained;

if the county where the child died does not have a local child fatality review team or if the local child fatality review team requests a review of the child's death by the statewide committee.

(b) The statewide child fatality review committee may also review the death of a child or a near fatality of a child upon request by an individual.

(c) A request submitted under subsection (b) must set forth:

(1) the name of the child;

(2) the age of the child;

(3) the county where the child died or where the near fatality occurred;

(4) whether a local child fatality review team reviewed the death; and

(5) the cause of death of the deceased child or a description of the near fatality of the child.

**Sec. 7. A child fatality review conducted by the statewide child fatality review committee under this chapter shall consist of determining:**

(1) whether similar future deaths could be prevented; and

(2) agencies or resources that should be involved to adequately prevent future deaths of children.

**Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:**

(1) a coroner or deputy coroner;

(2) a representative from:

(A) the state department of health established by IC 16-19-1-1;

(B) a local health department established under IC 16-20-2; or

(C) a multiple county health department established under IC 16-20-3;

(3) a pediatrician;

(4) a representative of law enforcement;

(5) a representative from an emergency medical services provider;

(6) a director of an office of family and children;

(7) a representative of a prosecuting attorney;

(8) a pathologist with forensic experience who is licensed to practice medicine in Indiana;

(9) a mental health provider;

(10) a representative of a child abuse prevention program;

(11) a representative of a child advocacy program; and

(12) a representative of the department of education.

**Sec. 9. (a) The chairperson of the statewide child fatality review committee shall be selected by the governor.**

**(b) The statewide child fatality review committee shall meet at**

1       the call of the chairperson.

2       (c) The statewide child fatality review committee chairperson  
3 shall determine the agenda for each meeting.

4       Sec. 10. (a) Except as provided in subsection (b), meetings of  
5 the statewide child fatality review committee are open to the  
6 public.

7       (b) Except as provided in subsection (d), a meeting of the  
8 statewide child fatality review committee that involves:

9           (1) confidential records; or

10          (2) identifying information regarding the death of a child that  
11 is confidential under state or federal law;

12 shall be held as an executive session.

13       (c) If a meeting is held as an executive session under  
14 subsection (b), each individual who:

15           (1) attends the meeting; and

16           (2) is not a member of the statewide child fatality review  
17 committee;

18 shall sign a confidentiality statement prepared by the division. The  
19 statewide child fatality review committee shall keep all  
20 confidentiality statements signed under this subsection.

21       (d) A majority of the members of the statewide child fatality  
22 review committee may vote to disclose any report or part of a  
23 report regarding a fatality review to the public if the information  
24 is in the general public interest as determined by the statewide  
25 child fatality review committee.

26       Sec. 11. Members of the statewide child fatality review  
27 committee and individuals who attend a meeting of the statewide  
28 child fatality review team as an invitee of the chairperson:

29           (1) may discuss among themselves confidential matters that  
30 are before the statewide child fatality review committee;

31           (2) are bound by all applicable laws regarding the  
32 confidentiality of matters reviewed by the statewide child  
33 fatality review committee; and

34           (3) except when acting:

35               (A) with malice;

1           **(B) in bad faith; or**  
 2           **(C) with negligence;**  
 3           **are immune from any civil or criminal liability that might**  
 4           **otherwise be imposed as a result of communicating among**  
 5           **themselves about confidential matters that are before the**  
 6           **statewide child fatality review committee.**

7           **Sec. 12. The division shall provide training to the statewide**  
 8           **child fatality review committee.**

9           **Sec. 13. (a) The division shall collect and document information**  
 10           **surrounding the deaths of children reviewed by the statewide child**  
 11           **fatality review committee. The division shall develop a data**  
 12           **collection form that includes:**

13               **(1) identifying and nonidentifying information;**  
 14               **(2) information regarding the circumstances surrounding a**  
 15               **death;**  
 16               **(3) factors contributing to a death; and**  
 17               **(4) findings and recommendations.**

18           **(b) The data collection form developed under this section must**  
 19           **also be provided to:**

20               **(1) the appropriate community child protection team; and**  
 21               **(2) the appropriate:**  
 22                   **(A) local health department established under IC 16-20-2;**  
 23                   **or**  
 24                   **(B) multiple county health department established under**  
 25                   **IC 16-20-3.**

26           **Sec. 14. The affirmative votes of the voting members of a**  
 27           **majority of the statewide child fatality review committee are**  
 28           **required for the committee to take action on any measure.**

29           **Sec. 15. The expenses of the statewide child fatality review**  
 30           **committee shall be paid from funds appropriated to the division.**

31           **Sec. 16. The testimony of a member of the statewide child**  
 32           **fatality review committee is not admissible as evidence concerning**  
 33           **an investigation by the statewide child fatality review committee.**

34           **SECTION 8. IC 31-33-18-1 IS AMENDED TO READ AS**  
 35           **FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Except as**

1 **provided in subsection (b), the following are confidential:**

2 (1) Reports made under this article (or IC 31-6-11 before its  
3 repeal).

4 (2) Any other information obtained, reports written, or  
5 photographs taken concerning the reports in the possession of:

6 (A) the division of family and children;

7 (B) the county office of family and children; or

8 (C) the local child protection service.

9 **(b) All records held by:**

10 **(1) the division of family and children;**

11 **(2) a county office of family and children;**

12 **(3) a local child protection service;**

13 **(4) a local child fatality review team established under**  
14 **IC 12-13-15; or**

15 **(5) the statewide child fatality review committee established**  
16 **under IC 12-13-15.1-6;**

17 **regarding the death of a child determined to be a result of abuse,**  
18 **abandonment, or neglect are not confidential and shall be**  
19 **disclosed to any person who requests the information. Information**  
20 **identifying the person reporting the abuse, abandonment, or**  
21 **neglect shall not be released. Any information in a record that is**  
22 **otherwise confidential under state or federal law shall not be**  
23 **released.**

24 **SECTION 9. IC 31-33-18-2 IS AMENDED TO READ AS**  
25 **FOLLOWS [EFFECTIVE JULY 1, 2004]:**Sec. 2. The reports and other  
26 material described in section **+ 1(a)** of this chapter shall be made  
27 available only to the following:

28 (1) Persons authorized by this article.

29 (2) A legally mandated public or private child protective agency  
30 investigating a report of child abuse or neglect or treating a child  
31 or family that is the subject of a report or record.

32 (3) A police or other law enforcement agency, prosecuting  
33 attorney, or coroner in the case of the death of a child who is  
34 investigating a report of a child who may be a victim of child  
35 abuse or neglect.

36 (4) A physician who has before the physician a child whom the

1 physician reasonably suspects may be a victim of child abuse or  
2 neglect.

3 (5) An individual legally authorized to place a child in protective  
4 custody if:

5 (A) the individual has before the individual a child whom the  
6 individual reasonably suspects may be a victim of abuse or  
7 neglect; and

8 (B) the individual requires the information in the report or  
9 record to determine whether to place the child in protective  
10 custody.

11 (6) An agency having the legal responsibility or authorization to  
12 care for, treat, or supervise a child who is the subject of a report  
13 or record or a parent, guardian, custodian, or other person who is  
14 responsible for the child's welfare.

15 (7) An individual named in the report or record who is alleged to  
16 be abused or neglected or, if the individual named in the report is  
17 a child or is otherwise incompetent, the individual's guardian ad  
18 litem or the individual's court appointed special advocate, or both.

19 (8) Each parent, guardian, custodian, or other person responsible  
20 for the welfare of a child named in a report or record and an  
21 attorney of the person described under this subdivision, with  
22 protection for the identity of reporters and other appropriate  
23 individuals.

24 (9) A court, upon the court's finding that access to the records  
25 may be necessary for determination of an issue before the court.  
26 However, access is limited to in camera inspection unless the  
27 court determines that public disclosure of the information  
28 contained in the records is necessary for the resolution of an issue  
29 then pending before the court.

30 (10) A grand jury upon the grand jury's determination that access  
31 to the records is necessary in the conduct of the grand jury's  
32 official business.

33 (11) An appropriate state or local official responsible for the child  
34 protective service or legislation carrying out the official's official  
35 functions.

36 (12) A foster care review board established by a juvenile court  
37 under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the



1 court's determination that access to the records is necessary to  
 2 enable the foster care review board to carry out the board's  
 3 purpose under IC 31-34-21.

4 (13) The community child protection team appointed under  
 5 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to  
 6 enable the team to carry out the team's purpose under IC 31-33-3.

7 (14) A person about whom a report has been made, with  
 8 protection for the identity of:

9 (A) any person reporting known or suspected child abuse or  
 10 neglect; and

11 (B) any other person if the person or agency making the  
 12 information available finds that disclosure of the information  
 13 would be likely to endanger the life or safety of the person.

14 **(15) A local child fatality review team established under**  
 15 **IC 12-13-15-5.**

16 **(16) The statewide child fatality review committee established**  
 17 **by IC 12-13-15.1-6."**

18 Page 1, line 13, strike "or".

19 Page 1, line 14, strike "and" and insert "or".

20 Page 1, between lines 14 and 15, begin a new line double block  
 21 indented and insert:

22 **"(J) the law of another jurisdiction, including a military**  
 23 **court, that is substantially equivalent to any of the**  
 24 **offenses listed in clauses (A) through (I); and".**

25 Page 2, line 14, delete "or".

26 Page 2, line 15, after "IC 35-46-1-3;" insert "or".

27 Page 2, between lines 15 and 16, begin a new line double block  
 28 indented and insert:

29 **"(J) the law of another jurisdiction, including a military**  
 30 **court, that is substantially equivalent to any of the**  
 31 **offenses listed in clauses (A) through (I);".**

32 Page 2, line 17, delete "crime" and insert "offense".

33 Page 2, line 18, delete "crime" and insert "offense".

34 Page 3, line 13, delete "A child presumed to be a child in need of  
 35 services under this" and insert **"This section does not affect the**  
 36 **ability to take a child into custody or emergency custody under**

1 **IC 31-34-2 if the act of taking the child into custody or emergency**  
 2 **custody is not based upon a presumption established under this**  
 3 **section. However, if the presumption established under this**  
 4 **section is the sole basis for taking a child into custody or**  
 5 **emergency custody under IC 31-34-2, the court first must find".**

6 Page 3, delete line 14.

7 Page 3, line 15, delete "IC 31-34-2 unless the court first finds".

8 Page 3, delete lines 19 through 22, begin a new paragraph and insert:

9 "SECTION 12. IC 31-37-19-17.4 IS ADDED TO THE INDIANA  
 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2004]: **Sec. 17.4. (a) This section applies if a child is a**  
 12 **delinquent child under IC 31-37-1 due to the commission of a**  
 13 **delinquent act that, if committed by an adult, would be a sex crime**  
 14 **listed in IC 35-38-1-7.1(e).**

15 **(b) The juvenile court shall, in addition to any other order or**  
 16 **decree the court makes under this chapter, order:**

17 **(1) the child; and**

18 **(2) the child's parent or guardian;**  
 19 **to receive psychological counseling as directed by the court.**

20 SECTION 13. IC 34-30-2-44.1 IS ADDED TO THE INDIANA  
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2004]: **Sec. 44.1. IC 12-13-15.1-11 (Concerning members**  
 23 **of the statewide child fatality review committee and persons who**  
 24 **attend a meeting of the statewide child fatality review committee**  
 25 **as invitees of the chairperson).".**

26 Renumber all SECTIONS consecutively.

(Reference is to SB 194 as reprinted January 28, 2004.)

**and when so amended that said bill do pass.**

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Representative Lawson L